

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 723 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 to 5 - No

NARVATSINH MAGANSINH RATHOD

Versus

STATE OF GUJARAT

Appearance:

MR JITENDRA MALKAN for Petitioner
MR KP RAVAL, APP for Respondent No. 1

CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 22/01/99

ORAL JUDGEMENT

The petitioner is a Police Constable and was serving at Padra Police Station at the relevant time. He is facing the charge under secs.7, 13(1)(g)(h) and sec.13(2) of the Prevention of Corruption Act and ultimately Police has filed the charge-sheet and offence was registered as Special Case No.3 of 1996 and at

present, trial is going on before the Special Judge, Vadodara.

2. During the trial, the petitioner has submitted one application exh.31 on 18-11-1998 under sec.91 of Cr.P.C. requesting the Court to direct the prosecution to produce certain documents and after hearing the parties, Court has rejected the same on merits against which, petitioner has preferred the present petition.

3. I have heard learned counsel for the respective parties. Learned counsel for the petitioner Mr.Malkan has argued that the documents in question are relevant and if it will not be produced, then there will be prejudice and injustice to petitioner. If it is produced, then no harm or prejudice is going to be caused to prosecution. Whereas the learned APP for the State, Mr.K.P.Raval has objected the same on all possible grounds.

4. Facts remain that all the documents upon which the prosecution has relied and accused is entitled under sec.207 of Cr.P.C. have been provided by the prosecution to the accused and, as argued by learned APP, the above documents are not part and parcel of the charge-sheet and prosecution has not relied upon the above documents at all. Even the petitioner has failed to establish how the above documents will be relevant while cross-examining the Investigating Officer. If at all the petitioner is interested in the same, then remedy will be available to him at the time of recording of the further statement under sec.313 of Cr.P.C. of the petitioner-accused where he can ask for summons and pray for examining the witnesses upon whom he wants to rely, but the same thing will not be available to him at this stage under sec.91 of Cr.P.C.

5. Therefore, I do not find any illegality in the order passed by the Court below. Hence, this Criminal Revision Application is hereby rejected.

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